

Negotiation, Spring, 2026
University of Florida Levin College of Law

Prof. Joan Stearns Johnsen

Mondays: 9:00 – 12:00

Room: HH 285D

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Cell: 617-549-0742

Office Hours: In-person, Mondays, 1-2:00 pm, HH 372

Zoom: Tuesdays, 8:30-9:30

Class Syllabus and Policies

Required Course Materials:

Getting to Yes: Negotiating Agreement Without Giving In, Roger Fisher, William Ury, and Bruce Patton. (Penguin Books, 2011), *Negotiation Genius*, Deepak Malhotra and Max H. Bazerman (Bantam Dell, 2008). There will also be supplemental required readings and videos posted to Canvas and you will also be required to watch the movie *A Civil Action* (1998) directed by Steven Zaillian, starring John Travolta and Robert Duvall. One copy is available in the library on DVD. There is also a streaming version available from the library. Other streaming versions of the movie are available to rent on YouTube, Amazon, Apple TV, and other sites for a nominal charge (approx. \$2.99). Please watch the movie in preparation for our movie class. Our movie class is also our review class.

Throughout the semester my assistant, Isabel Jensen, (Jensen@law.ufl.edu) will post confidential information for our role plays, several are from the Harvard Program on Negotiation. Role plays will be posted to “Assignments” on Canvas approximately one week before we are to negotiate them. Although we provide these to you, you must purchase a license to use them from the Bookstore. You will not receive any physical material from the bookstore.

Roleplay instructions for our first and second classes will be handed out on paper in class. You do not need to do any role play preparation for these first two exercises.

Description of the Course, Objectives, and Learning Outcomes:

Everyone negotiates. Lawyers engage in negotiation as part of their work regardless of the area of practice in which they specialize. Lawyers negotiate transactions, the settlement of lawsuits, their salaries and promotions, and strategies with their clients. Just as importantly, almost all interpersonal interaction involves some aspect of these all important negotiation skills. In this course you will learn the foundational theory underlying negotiation, as well as communication,

culture, and psychological factors that impact negotiation. Importantly, through your roleplay exercises you will learn how the theory applies to practice.

At the conclusion of this course, you should be able to understand how negotiation fits into the continuum of dispute resolution processes. You should also have an appreciation for the preparation required by negotiation as well as how to prepare. You will gain an understanding of how to understand and manage any negotiation. You will also have an appreciation of the particular ethical risks lawyers must appreciate when negotiating and how to avoid problems and protect your reputation.

Expectations: This course is a three credit hours. Please note that ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. In addition to our texts, your out of class time preparation time will include, extensive preparation for our in-class role plays as well as written assignments, supplemental readings, and assigned videos..

To succeed in this class, you must spend a sufficient time reading and familiarizing yourself with the role plays, some of which are quite complex. With some of the role plays, you may be working as part of a team and will need to meet with a classmate outside of class. You may also need to do some legal or factual research or analysis of legal standards or other data as part of your preparation. You do a disservice to the class and to your classmates if you do not fully prepare for these role plays. You will also lose credit towards your participation grade and ultimately your final grade if it appears that you are under prepared.

Guidelines for participation in roleplays:

1. Take the roleplay seriously; what you (and other participants) get from the roleplay is directly related to the effort you put into it.
2. If you are assigned to play the role of a client or party, do not deviate from the facts that are in either the general or your confidential instructions. You may, however, “fill in the blanks” in playing your role.
3. Play the role as a party the way you think the person in the specific situation would play it – not necessarily as you personally would respond. In all cases, **follow your instructions for your emotional state.**
4. If you are playing the role of a lawyer representing a party, read your materials carefully. As appropriate do some research on relevant norms and standards and be sure you understand what your client really wants as an outcome.
5. Feel free to experiment and try different approaches to negotiation. This is the time to take a risk.
6. Do not share your confidential information instructions with the other participants until after the roleplay is completed.
7. Enjoy the roleplay experience. No one says you can’t have fun playing roles.

Instructions for Observers: From time to time, you may be asked to play the role of observer. This is an excellent opportunity to learn. As an observer you are not immersed in the exercise as a participant and can have perspective of both sides. Take full advantage of this opportunity. There are guidelines posted on Canvas. Here are some additional suggestions.

1. Please help get exercise started on time and stop them on time.
2. Don't interrupt role play unless to remind participants to stay in roles.
3. Observe non-verbal, as well as verbal, communications. Take notes on what you see and hear so you can make specific reference to what transpired, i.e., active listening examples.
4. At conclusion of the exercise distribute comparative factual summaries, if available, or ask participants to exchange confidential facts.
5. As a neutral observer, you provide valuable observations which you should with your participants. Provide a factual basis for any conclusions and be sure to point out positive behaviors as well as negative.
6. Be prepared to report on what you observed and the outcome, if any, in class and succinctly state any outcome determinative factors.

Again, regardless of the role you will play in the exercise, you must come to class having carefully read the materials that have been handed out in advance of class and having prepared thoroughly as directed.

Course Grading:

Preparation and Participation 30%

- a) You will be expected to participate in class discussions and to be prepared to be called on in class.
- b) I will be observing your role plays randomly. I will expect to see that you have adequately prepared for these exercises. This means that you should be thoroughly familiar with the general facts of the role plays as well as your own confidential facts. You should have analyzed those facts and any provided legal framework or data, and conducted any appropriate research or synthesis of the facts, law, and relevant objective criteria or norms and standards provided or otherwise available.
- c) As is stated above, beginning with week 4, you will be expected to create Preparation
- d) Worksheets for each negotiation. Beginning with week 5, these preparation worksheets will be submitted and will be part of your 30% participation grade. (Your week 4 preparation worksheet will be ungraded and will not be submitted.) Preparation worksheets will be tied to the role play—not to a particular date. They will be due to be submitted to Canvas by 11:59 the Sunday night before the Monday we are negotiating the corresponding role play. Late assignments will not be accepted. I will talk more about this in class. I will post weekly Announcements to Canvas reminding you what we discussed in class and the role play the following week. You must timely submit a preparation

worksheet even if you are absent. You must submit a worksheet even if you are assigned the role of client or observer.

- e) You will be required to volunteer for our “Free Stuff” assignment once during the semester. You will also be required to submit a 1-2 page reflection of your “share.” We will discuss this more fully in class. While I encourage you to write and submit your reflection paper near the time you share in class, the final date for submission of these reflection papers will be Friday, April 17, 2026, at 11:59 pm.

Inter-school Negotiation Practicum 10%

As soon as it is available, I will post the registration link in an announcement on Canvas. You must register for this inter-school exercise! We will discuss this in class. At the conclusion of this exercise, you will submit a 2-3 page reflection on your negotiation. This reflection will count for 10% of your grade. Your reflection will be due Friday, April 17, 2026, at 11:59 pm.

Exam 60%

The final exam will be a three hour closed book exam on the date set by Student Affairs. Check the exam calendar for the date. The final exam will count for 60% of your grade.

Artificial Intelligence Policy:

I do not permit students to use artificial intelligence for assignments, the quiz, or the exam for this class. I find that AI is often wrong and at best too generic for your personal reflections or for the specific questions posed on the quiz and exam. You may use it to assist you in other ways but beware of AI hallucinations!

For questions about delays in submitting assignments, please refer to the law school’s policy, available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/currentstudents/forms-applications/exam-delays-accommodations-form>.

Subject to the class curve, the grading scale for the course is:

<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	
	0.67				
A-	3.67	C (Satisfactory)	2.00	E (Failure)	
	0.0				
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

Information on current UF grading policies for assigning grade points may be found at <https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>.

UF Student Honor Code: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Accommodations: Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester.

Class Recording Policy: I do not record classes as a general practice.

Preferred Name and Pronouns

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class if your name and pronouns are not reflected by your UF-rostered name. I welcome you to the class and look forward to a rewarding learning adventure together.

When class is on Zoom- you may also change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records

Discourse, Inclusion, and the Classroom Ethos

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions
- speak honestly, thoughtfully, and respectfully
- listen carefully and respectfully

- reserve the right to change our mind and allow for others to do the same
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.
- As part of my commitment to teaching and serving the diverse UF Law community, I have signed the UF Law Anti-Racism Resolution.

Class Schedule: We will meet once each week. Monday's class will be from 9 until 12. Class will be in-person- although there will be some classes held on Zoom. You will be given notice in advance of classes that will be conducted on Zoom. When this is the case, you will receive an automatic email generated by Canvas and also find the link posted in an Announcement on Canvas. Note: if we have a guest, Canvas will generate a link. Pay attention to announcements in class and on Canvas as to whether you should also attend on zoom or not.

Office Hours: My in-person Office Hours are Mondays 1:00-2:00. Zoom Office Hours are Tuesdays from 8:30 to 9:30 am. Additionally, I am always available for meetings by appointment. The Zoom Office Hour Link will be posted to an Announcement on Canvas. (Use the same link each week.) It will be posted prior to the first online office hour meeting.

Online Course Evaluations: Students are expected to provide professional and respectful feedback on the quality of the instruction in this course by completing online evaluations via GatorEvals at <https://evaluations.ufl.edu>. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals in their Canvas course menu. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Canvas: Please check Canvas regularly for new postings. **Make certain that your Canvas Account is set to receive emails and announcements, and that you have not disabled the forwarding feature.** Canvas is my primary method of communication, and you put yourself at a serious disadvantage if you cannot access the weekly announcements I post on Canvas. You will also access the role play instructions and private facts as well as the pairing assignments on Canvas. I also regularly post supplemental materials to Canvas in Modules. If you have difficulty accessing or working with Canvas, please reach out to the Help Desk.

Attendance: Your attendance is critical to your success in this class. Most weeks, you will be paired with another student or group of students. If you are absent from class or late, you will disrupt the exercise for your partners and classmates. For this reason, regular and *punctual* attendance at classes is mandatory. Classes will begin promptly at the scheduled time. Students arriving late will receive partial credit for attendance for that day. Anything in excess of 2 missed three hour classes regardless of the reason may lower your grade or even render you ineligible to receive credit for the class. If you will miss class or be late, send an email to me and cc Tanya Dampier at: tdampier@law.ufl.edu. Give us as much notice as possible to enable us to adjust the pairings. **N.B.: Tardiness, missed classes in excess of 2, failure to provide prompt notice of an absence will impact your final grade.**

Health and Wellness Resources:

- *U Matter, We Care*: If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as noncrisis services.
- *Student Health Care Center*: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department*: [Visit UF Police Department website](#) or call 3523921111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

Any student who has difficulty accessing sufficient food or lacks a safe place to live is encouraged to contact the Office of Student Affairs. If you are comfortable doing so, you may also notify me so that I can direct you to further resources.

UF Levin College of Law Class Recordings and Course Evaluations:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](#).

UF Academic Policies and Resources:

Other information about UF academic policies and resources can be found at [this link](#).

Assignments and Important Dates and Events: Given the number of exercises and guests, I expect to make changes to this part of the syllabus during the semester. Please pay attention to announcements in class and read the weekly Announcements posted to Canvas. You may also reach out to me. Thank you in advance for your patience and flexibility. Please note, this list role plays may change as the semester progresses! For accuracy, check the Announcements each week in Canvas and listen in class.

Week One: An Introduction to “The Method”

Read: Getting to Yes; Introduction, The Problem, and The Method

Introduction of Course and Basic Factors Affecting Negotiation

The Rug (This will be handed out in class—no advance preparation necessary)

Week Two: “The Method” cont’d.

(Registration (likely) opens for the Inter-School Negotiation Practicum) *Read: Getting to Yes: Finish Getting to Yes*

Basic Factors Affecting Negotiation, cont’d.

UGLI Plants (*This will be handed out in class—no advance preparation necessary*)

Week Three: “The Method” cont’d

Read: Negotiation Genius: Introduction and Part I, The Negotiator’s Toolkit **Orlen v. Bryson**

Week Four: Preparation

Finish Negotiation Genius. Preparation

Prepare for Parker Gibson including—Complete the Inventory/Satisfaction Questionnaire (Part 1 Pre-negotiation survey only. We will complete the post-negotiation Survey after you have negotiated.) Prepare a preparation worksheet on Parker and Gibson for today’s class. You are not required to submit it. We will go over it in class.

TBD

Week Five: The Negotiation Process

Super Slipster

*(Beginning with Super Slipster and continuing for the remainder of the semester, you will be required to prepare **and submit** Preparation Worksheet. They are assigned per role play not per week of class. They will be due before class begins at 9:00 am. No late submissions permitted.)*

Week Six: Communication

Reading: Email Negotiation, Noam Ebner. Also read: Choosing Among Modes of Communication, by Schneider and Honeyman. Both are available in the “Different Modes of Communication” Module on Canvas
Role play TBD (Bullard Houses?)

Week Seven : Negotiation Ethics

Other readings posted to Canvas

The Don’s (Outside of class- meet in groups of client/lawyer as part of your preparation for this week’s class)

The Don’s (Negotiate)

Review: Model Rules of Professional Responsibility: 1.6, 4.1, 3.3, 8.4

Week Eight: Persuasion and Evaluation in Negotiation

Optional Read: Neuroscience and Settlement, Richard Birke which has been posted to Canvas

Required: Video Thomas Lewis Neuroscience of Empathy which has been posted to Modules on Canvas

Negotiation

TBD

Week Nine: Mediation Assisted Negotiation

Read: Mediation materials posted on Canvas Module “Mediation Facilitated Negotiation”

Mediation Assisted Negotiation

TBD

Week Ten

TBD

Week Eleven

TBD

Week Twelve: Review

Movie Class: *A Civil Action* (As stated in the syllabus—you must have watched this movie **before** this Movie Class) This is a review/preparation for your exam.

Week Thirteen: Further Review

Review – Your Advice...(from our first class)